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December 28, 2005

BY FACSIMILE AND MAIL

Peter W. Mosseau, Esq.
Nelson Kinder Mosseau & Saturley, P.C.
45 Milk Street, 7th Floor
Boston, MA 02109

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation
MDL No. 1456

Dear Mr. Mosseau:

I am in receipt of your letter, dated December 22, 2005. We understand Nelson Kinder Mosseau & Saturley, P.C. has replaced Epstein Becker & Green as counsel for Fallon Community Health Plan ("Fallon"). As you know, Dey, Inc. ("Dey") served a subpoena on Fallon seeking documents and a Rule 30(b)(6) witness on November 21, 2005 (the "Subpoena"), and I indicated in the accompanying letter that we would endeavor to accommodate any reasonable requests for an adjournment of these dates.

In the December 22 letter, Fallon requests that Dey consent to a stay regarding its subpoena for documents and a Rule 30(b)(6) witness pending the Court's resolution of Plaintiffs' Motion for Protective Order concerning notices of deposition and subpoenas issued by Dey, including Fallon. Dey cannot agree to an open-ended postponement of a response to the Subpoena. We believe Plaintiffs' motion is meritless. As you may be well aware, every time the issue of absent class member discovery has been before the Court, the Court has affirmed defendants' right to take such discovery.

Our offer to reasonably accommodate Fallon in scheduling dates for production and a deposition was predicated on Fallon complying with its obligations under the Subpoena. To date, Fallon has not communicated whether it intends to produce documents and witnesses and/or provide written objections to the Subpoena.

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You indicated that you will be meeting with Fallon representatives to determine a response to the Subpoena. Please contact me once you have done so. We are willing to discuss any concerns Fallon may have regarding the Subpoena. To the extent Fallon objects to any of the requests in the Subpoena, please provide written objections no later than Thursday, January 5, 2006.

We have been reasonable and allowed sufficient time for Fallon to respond to the Subpoena. The Subpoena was issued over a month ago and Fallon has yet to respond to it in any form. We intend to enforce all our rights under the Subpoena.

Very truly yours,



Lorianne K. Trewick

cc: William Saturley, Esq.